

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SHANNON CAMPBELL,
Plaintiff,
v.
FELD ENTERTAINMENT, INC., and
MICHAEL STUART,
Defendants.

Case Nos.: 12-CV-04233-LHK
13-CV-00233-LHK

**ORDER DENYING PLAINTIFFS'
REQUESTED RULE 65
INSTRUCTION**

MARK ENNIS,
Plaintiff,
v.
FELD ENTERTAINMENT, INC., and
MICHAEL STUART,
Defendants.

Having considered the parties' submissions, the relevant law, and the record in this case, the Court hereby DENIES Plaintiffs' request to instruct the jury pursuant to Rule 65(d)(2) of the Federal Rules of Civil Procedure. The Court has already rejected Plaintiffs' Rule 65(d)(2) argument on the record, *see* Trial Tr. 179:17-19, and Plaintiffs have not met their burden for reconsideration under Civil Local Rule 7-9(b). To the extent Plaintiffs argue that Rule 51(d)(1) of the Federal Rules of Civil Procedure provides the Court with an alternative basis for

1 reconsideration, Plaintiffs' argument fails because the rule does not apply where, as here, "the
2 court rejected the request in a definitive ruling on the record." Fed. R. Civ. P. 51(d)(1)(B).

3 Furthermore, as the Court indicated on the record, the limiting instruction the Court gave
4 regarding the Oakland federal court injunction is wholly consistent with U.S. District Judge
5 Edward Chen's order of November 15, 2012, which detailed the terms of the federal injunction
6 operative at the time of the August 7, 2012 animal walk. Specifically, that order stated:

7 There is nothing to establish that the injunction agreed upon by Plaintiffs and
8 Defendants actually binds Feld (as opposed to the Coliseum Defendants) in any
9 particular way. The injunction simply specifies where Plaintiffs can have access
vis-a-vis the right of the Coliseum Defendants to exclude Plaintiffs from certain
areas of the complex. Feld is not legally "bound" by the injunction.

10 *Cuviello v. City of Oakland*, No. C-06-5517 EMC, 2012 WL 5628325, at *5 (N.D. Cal. Nov. 15,
11 2012). The federal injunction operative at the time of the August 7, 2012 animal walk had been
12 initially issued by then U.S. Magistrate Judge Edward Chen and adopted by U.S. District Judge
13 Marilyn Hall Patel. *Id.* at *1.

14 **IT IS SO ORDERED.**

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16 Dated: February 17, 2015

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18 LUCY H. KOH
19 United States District Judge
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